

3802. Misbranding of thyroid tablets, Neotresamide tablets, amphetamine sulfate tablets, phenobarbital tablets, diethylstilbestrol tablets, and methyltestosterone tablets. U. S. v. Arthur Weiler (Weiler's Drug Store), Lester E. Dorris, and Leonard Kehoe. Pleas of guilty. Defendant Weiler fined \$800, plus one-half of the costs, and Defendants Dorris and Kehoe each fined \$100, plus one-fourth of the costs. (F. D. C. No. 31307. Sample Nos. 30856-L, 31169-L, 31170-L, 31180-L, 31289-L, 31938-L.)

INFORMATION FILED: February 27, 1952, Eastern District of Illinois, against Arthur Weiler, trading as Weiler's Drug Store, Paris, Ill., and against Lester E. Dorris and Leonard Kehoe, pharmacists.

ALLEGED VIOLATION: On or about May 9 and 23 and June 5, 1951, while a number of *thyroid tablets, Neotresamide tablets, amphetamine sulfate tablets, phenobarbital tablets, diethylstilbestrol tablets, and methyltestosterone tablets* were being held for sale at Weiler's Drug Store after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

Arthur Weiler was charged in each of the six counts of the information, Lester E. Dorris, in five of the counts, and Leonard Kehoe, in one of the counts, with causing the acts of repacking and dispensing of the drugs involved.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (b) (1), the repackaged *phenobarbital tablets* failed to bear a label containing the name and address of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged *Neotresamide tablets* failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (2), the labeling of the repackaged *Neotresamide tablets* failed to bear adequate warnings against use.

DISPOSITION: September 18, 1952. Pleas of guilty having been entered, the court fined Defendant Weiler \$800, plus one-half of the costs, and Defendants Dorris and Kehoe \$100 each, plus one-fourth of the costs.

3803. Misbranding of Belladenal tablets. U. S. v. Wm. W. Myer Drug Stores Co., and Theodore J. Nelligan, Roy Roscoe Brown, and Harry L. Brawley. Pleas of guilty. Fine of \$750 against firm, \$250 against Defendant Nelligan, \$100 against Defendant Brown, and \$100 against Defendant Brawley. (F. D. C. No. 31295. Sample Nos. 13378-L, 13379-L.)

INFORMATION FILED: December 26, 1951, District of Colorado, against the Wm. W. Myer Drug Stores Co., a corporation, Denver, Colo., and Theodore J. Nelligan, manager of the corporation's store at 400 17th St., Denver, Colo., and Roy Roscoe Brown and Harry L. Brawley, pharmacists at the above store.

ALLEGED VIOLATION: On or about February 27 and March 1, 1951, while a number of *Belladenal tablets* were being held for sale at the above-mentioned